In the High Court of Uttaranchal at Nainital.

Civil Writ Petition No. 184/2005(S/B)

Harak Singh Rawat,

S/o Late Keshar Singh

Posted as Sub Divisional Magistrate,

Kotdwar, District Pauri Garhwal …. Petitioner.

Vs.

1- State of Uttaranchal through Principal Secretary, Karmik, Uttaranchal, Govt. Dehradun.

2- District Magistrate, Pauri Garhwal …. Respondents.

Sri S.K. Mandal, learned counsel for the petitioner.
Sri Subhash Upadhyaya, learned Brief Holder for the respondents.

Coram: Hon'ble Irshad Hussain, J.
Hon'ble B.S. Verma, J.

Dated: 12-08-2005

P.C:

Heard Sri S.K. Mandal, learned counsel for the petitioner and Sri Subhash Upadhyaya, learned Brief Holder for the respondents.

2- By means of this writ petition the petitioner has sought cancellation of his transfer order dated 5th August, 2005 (Annexure-4) on the ground that the District Magistrate is not competent to transfer him from one Tehsil Headquarter to another. It is not disputed that the transfer has not been challenged on the ground of any malafide on the part of the competent Officer or on the ground of contravention of any statutory provision. So far as the allegation that the District Magistrate was not competent enough to transfer the petitioner, it is to be noted that the petitioner was initially transferred to District Pauri Garhwal by Government order dated 14-7-2004 and subsequently when by the order of the Government the petitioner went to report at the Headquarter of the District, he was assigned the Tehsil Headquarter, Srinagar by the District Magistrate, vide his order dated 19-7-2005 (Annexure-1). Subsequently the petitioner got to be transferred from this Tehsil

Headquarter to Tehsil Headquarter, Kotdwar and by the impugned order he has again been transferred to Tehsil Headquarter, Srinagar. The allocation of the Tehsil Headquarter to the Deputy Collectors is done by the District Magistrate of the District and this happened in the case of the petitioner, who having been transferred to District Pauri Garhwal, had been assigned a particular Tehsil Headquarter by the order of the District Magistrate, who being competent to do so has passed orders in public interest and considering the exigencies of the requirement of the service of the petitioner at that particular place.

3- In view of above, we do not find that the District Magistrate was not competent to transfer the petitioner from one Tehsil Headquarter to another, and therefore, the writ petition lacks merit and is dismissed in limine.

(B.S. Verma, J.) **(Irshad Hussain, J.)**

ISB